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HARRISBURG, PA  
APR 26 2001  
MARY E. D'AMICO, CLERK  
Per [Signature]

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENNETH ALAN SHIFFER,	:	CIVIL ACTION
Petitioner	:	
	:	
v.	:	NO. 1:CV-00-1829
	:	
BEN VARNER, <i>et. al.</i> ,	:	(Judge Caldwell)
Respondents	:	

THE ATTORNEY GENERAL'S ANSWER  
TO THE RULE TO SHOW CAUSE

The Attorney General, by counsel, hereby responds to the order to show cause why the Office of Attorney General failed to file an answer to the petition, as directed by the Court's February 23, 2001, Order by providing the following information:

1. The petitioner is challenging his conviction obtained in the Court of Common Pleas for Columbia County, Pennsylvania.
2. Because the 1988 prosecution was performed by the district attorney for that county (albeit, a prior district attorney than the one presently in office),

when the petition was referred to the undersigned, he assumed that the answer would be filed by someone in the office of the present district attorney.

3. Because of the volume of habeas matters that cross the desk of the undersigned, he was unaware that the answer had not been filed until receiving word earlier this week.

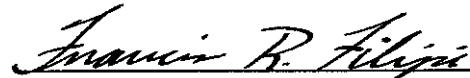
4. It has been determined that the district attorney's office had prepared an answer to the petition but that it had not been mailed due to a series of events that will be explained in the district attorney's response to the rule.

5. The oversight was not the product of willful neglect and is being rectified with all deliberate speed by the district attorney.

WHEREFORE, the Attorney General requests that the Court accept this explanation (and the explanation of the district attorney) and permit the district attorney's answer to be filed.

Respectfully submitted,  
D. MICHAEL FISHER  
Attorney General

BY:

  
FRANCIS R. FILIPI  
Senior Deputy Attorney General  
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Date: April 26, 2001

SUSAN J. FORNEY  
Chief Deputy Attorney General

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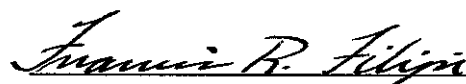
CERTIFICATE OF SERVICE

I, Francis R. Filipi, Senior Deputy Attorney General, hereby certify that on this date I caused to be served copies of the foregoing The Attorney General's Answer to The Rule to Show Cause, by depositing copies of same in the United States mail, postage prepaid in Harrisburg, PA., addressed to each of the following:

Kenneth Alan Shiffer, AT-1194  
State Correctional Institution at Dallas  
Drawer K  
Dallas, PA 18612-0286

and:

John McDanel, Esq.  
District Attorney  
Columbia County Courthouse  
P.O. Box 380  
Bloomsburg, PA 17815

  
FRANCIS R. FILIPI  
Senior Deputy Attorney General

DATE: April 26, 2001